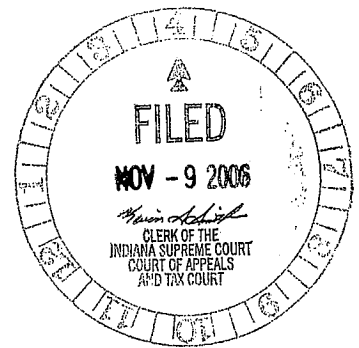


In the  
Indiana Supreme Court



IN THE MATTER OF THE )  
 ) Case No. 31S00-0611-MS- 462  
APPROVAL OF LOCAL RULES )  
 )  
FOR HARRISON COUNTY )

**ORDER APPROVING AMENDED LOCAL RULE**

The judges of the Harrison Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Harrison Circuit and Superior Courts, this Court finds that the proposed rule amendment, "Harrison County Caseload Allocation Plan" complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that the Harrison County Caseload Allocation Plan, set forth as an attachment to this Order, is approved effective January 1, 2007, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website not less than thirty (30) days prior to the effective date.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Harris Lloyd Whitis, Harrison Circuit Court, P.O. Box 428, Corydon, IN 47112-0428; the Hon. Roger D. Davis, Harrison Superior Court, 1445 Gardner Lane, N.W., #3018, Corydon, IN 47112-2070, and to the Clerk of the Harrison Circuit and Superior Courts.

The Clerk of the Harrison Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment

for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 9<sup>th</sup> day of November, 2006.

RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

**NOTICE OF PROPOSED LOCAL RULE FOR THE  
ALLOCATION OF THE CASE LOAD IN HARRISON COUNTY**

The Judges of the Harrison Circuit Court and the Harrison Superior Court hereby submit a proposed Local Rule for the allocation of the caseload in Harrison County.

1. The Harrison County Caseload Allocation Plan is a new caseload allocation plan.
2. Comments should be sent to both of the following:  
Honorable H. Lloyd Whitis, Judge of the Harrison Circuit Court, 300 North Capitol Avenue, Corydon, IN 47112;  
Honorable Roger D. Davis, Judge of the Harrison Superior Court, 1445 Gardner Lane, Suite 3018, Corydon, IN 47112.
3. Comments by the Bar and the public will be received until July 1, 2006.
4. The Harrison Circuit Court and Harrison Superior Court will adopt, modify, or reject the Harrison County Caseload Allocation Plan by July 31, 2006.
5. The Harrison County Caseload Allocation Plan will be submitted to the Indiana Supreme Court for approval by August 1, 2006.
6. The Harrison County Caseload Allocation Plan shall not be effective until approved by the Indiana Supreme Court.
7. The effective date of the Harrison County Caseload Allocation Plan shall be January 1, 2007.

The Judges of the Harrison Circuit and Harrison Superior Courts are required to adopt a Local Rule regarding the allocation of caseload in Harrison Circuit Court and Harrison Superior Court. The Judges hereby find that in order to promote the orderly administration of justice and comply with the mandates of the Indiana Supreme Court,


cases in certain categories should be filed in the Harrison Circuit Court and other cases should be filed in the Harrison Superior Court. The Judges have taken into consideration the weighted caseload statistics and the fact that a Referee is employed to assist with the heavy caseload in the Harrison Circuit Court on a part-time basis.


The Harrison County Caseload Allocation Plan is proposed as follows:

- A. Cases filed in Harrison Circuit Court shall be
  - (1) All juvenile delinquent, juvenile status, juvenile paternity and miscellaneous juvenile cases;
  - (2) All child in need of services (CHINS) cases;
  - (3) All juvenile termination of parental rights cases;
  - (4) Domestic relations cases, except every fourth case filed;
  - (5) All civil miscellaneous cases;
  - (6) All uniform reciprocal support cases;
  - (7) All Petitions for an Order for Protection (Protective Orders)
  - (8) All mental health issues;
  - (9) All adoptions;
  - (10) All probate matters, including estates;
  - (11) All guardianships;
  - (12) All trusts;
  - (13) All mortgage foreclosure cases; and
  - (14) Civil plenary, civil collection and civil tort cases wherein the amount in controversy is in excess of the jurisdictional limit of the small claims court.
- B. Cases filed in Harrison Superior Court shall be:
  - (1) All criminal (murder, felony, misdemeanor and miscellaneous criminal cases);
  - (2) All infraction and ordinance violations;
  - (3) All small claims;
  - (4) Civil collection, civil tort and civil plenary cases where the total amount of damages or property involved does not exceed the small claims jurisdictional amount;
  - (5) Every fourth domestic relations case filed.
- C. All revocation of probation and post conviction relief cases shall be filed in the court where the original case is or was last pending.
- D. The Judge of either the Harrison Circuit Court or the Harrison Superior Court may allow the filing of any cases in such court on a case-by-case basis unless another local rule, rule of the Indiana Supreme Court or a statute prohibits the filing of such cases in the court.

- E. Cases already filed in either court shall remain in that court and this case allocation plan shall apply to new cases filed on and after the effective date of this caseload allocation plan.

The County Clerk of the Courts and the Division of State Court Administration shall be provided the text of the Harrison County Caseload Allocation Plan in digital format. The County Clerk of Courts shall post the notice in the Clerk's Offices in the courthouse, justice center, and on the Clerk's website, if any. The County Clerk shall forward a copy of the proposed rule and this notice to the president and secretary of the Harrison/Crawford Bar Association.

  
H. LLOYD WHITIS, JUDGE  
HARRISON CIRCUIT COURT

  
ROGER D. DAVIS, JUDGE  
HARRISON SUPERIOR COURT

MAY 30, 2006  
DATE

MAY 19, 2006  
DATE

## Caseload Allocation Plan

### Recommendation for Harrison County

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Recommendation: Approve

A preliminary analysis of Harrison County's Caseload Allocation Plan revealed that the projected utilization variation between Harrison Circuit Court and Superior Court is less than the 0.40 allowable variation (see Figure 1).

	Projected Need	Actual Have	Projected Utilization
Circuit	1.46	1.00	1.46
Superior	1.24	1.00	1.24
		<i>Difference</i>	0.22

Figure 1

#### Method:

The projected utilization calculations displayed above are based on the combined analysis of Harrison County's Caseload Allocation Plan and 2005 historical data.

I used historical data to allocate the case types that were not specifically addressed in the new caseload allocation plan. I extracted proportions from 2005 new filings data and used them in conjunction with the specifically addressed case types to project what the caseload for each court will be following the application of the proposed plan (see Appendix A). Judge Davis confirmed the validity of applying historical proportions.

Finally, I extracted the projected caseload data for each court and inserted them into the weighted caseload calculation spreadsheet (see Appendix B) to establish projected utilization for each court.

Appendix A  
Harrison County 2006 WCL Plan

	Actual 2005 New Filings			Assignment of cases based upon plan			Comments	Application of plan guidelines and assumptions to 2005 statistics		
	Circuit	Sup. 1	Total	Circuit	Sup. 1	Total		Circuit	Sup. 1	Total
MR	0	0	0	0.00%	100.00%			0	0	0
CE	0	0	0	0.00%	100.00%			0	0	0
FA	0	5	5	0.00%	100.00%			0	5	5
FB	0	34	34	0.00%	100.00%			0	34	34
FC	0	34	34	0.00%	100.00%			0	34	34
FD	0	268	268	0.00%	100.00%			0	268	268
PC	0	0	0				* All PC cases shall be filed in the court where the original case is or was last pending	0	0	0
GM	0	726	726	0.00%	100.00%			0	726	726
MC	0	3	3	0.00%	100.00%			0	3	3
IF	0	3,627	3,627	0.00%	100.00%			0	3,627	3,627
OV,OE	0	0	0	0.00%	100.00%			0	0	0
JC	55	0	55	100.00%	0.00%			55	0	55
JD	161	0	161	100.00%	0.00%			161	0	161
JS	158	0	158	100.00%	0.00%			158	0	158
JP	102	0	102	100.00%	0.00%			102	0	102
JM	29	0	29	100.00%	0.00%			29	0	29
JT	7	0	7	100.00%	0.00%			7	0	7
CP	0	0	0			NA				
PL	49	0	49				* Civil cases are in excess of SC limits; Superior cases do not exceed SC amount	49	0	49
MF	175	0	175	100.00%	0.00%			175	0	175
CC	152	171	323				* Civil cases are in excess of SC limits; Superior cases do not exceed SC amount	152	171	323
CT	59	0	59				* Civil cases are in excess of SC limits; Superior cases do not exceed SC amount	59	0	59
SC	0	736	736	0.00%	100.00%			0	736	736
DR	241	0	241	75.00%	25.00%		* Superior Court will hear every fourth DR case	181	60	241
RS	0	0	0	100.00%	0.00%			0	0	0
MH	43	0	43	100.00%	0.00%			43	0	43
AD	16	0	16	100.00%	0.00%			16	0	16
AH	0	0	0			NA				
ES,EU	90	0	90	100.00%	0.00%			90	0	90
GU	55	0	55	100.00%	0.00%			55	0	55
TR	1	0	1	100.00%	0.00%			1	0	1
PO	93	0	93	100.00%	0.00%			93	0	93
MI	93	15	108	100.00%	0.00%			108	0	108
GB	0	0	0			NA				
TOTAL	1,579	5,619	7,198					1,534	5,664	7,198

\* 2005 distribution proportions were used for caseload allocation projections. These assumptions were confirmed by Judge Davis.

Superior	
Total Actual Minutes:	99642
Actual Need ('to date):	1 24
Quarters Counted:	4
Projected Need (year):	1 24
Actual Have:	1
Projected Utilization:	12356

[illegible]

Projected Need:	2.69
Actual Have:	2.00

Projected Utilization: 1,3460

Type	Weight	Circuit		Superior 1		Circuit		Superior 1		Circuit		Total Cases	Projected Minutes
		Cases	Proj Min	Cases	Proj Min	Cases	Proj Min	Cases	Proj Min				
Capital	2649	0	0	0	0	0	0	0	0	0	0	0	0
MR	453	0	0	0	0	0	0	0	0	0	0	0	0
CF	155	0	0	0	0	0	0	0	0	0	0	0	0
FA	420	0	0	5	2100	0	0	0	0	0	5	2100	0
FB	260	0	0	34	8840	0	0	0	0	0	34	8840	0
FC	210	0	0	34	7140	0	0	0	0	0	34	7140	0
FD	75	0	0	268	20100	0	0	0	0	0	268	20100	0
PC	0	0	0	0	0	0	0	0	0	0	0	0	0
CM	40	0	0	726	29040	0	0	0	0	0	726	29040	0
MC	18	0	0	3	54	0	0	0	0	0	3	54	0
IF	2	0	0	3627	7254	0	0	0	0	0	3627	7254	0
OV	2	0	0	0	0	0	0	0	0	0	0	0	0
JC	111	55	6105	0	0	0	0	0	0	0	55	6105	0
JD	60	161	9660	0	0	0	0	0	0	0	161	9660	0
JS	58	158	9164	0	0	0	0	0	0	0	158	9164	0
JP	82	102	8364	0	0	0	0	0	0	0	102	8364	0
JM	12	29	348	0	0	0	0	0	0	0	29	348	0
JT	194	7	1358	0	0	0	0	0	0	0	7	1358	0
CP	106	0	0	0	0	0	0	0	0	0	0	0	0
PL	121	49	5929	0	0	0	0	0	0	0	49	5929	0
MF	23	175	4025	0	0	0	0	0	0	0	175	4025	0
CC	26	152	3952	171	4446	0	0	0	0	0	323	8398	0
CT	118	59	6962	0	0	0	0	0	0	0	59	6962	0
SC	13	0	0	736	9568	0	0	0	0	0	736	9568	0
DR	185	181	33485	60	11100	0	0	0	0	0	241	44585	0
RS	31	0	0	0	0	0	0	0	0	0	0	0	0
MH	37	43	1591	0	0	0	0	0	0	0	43	1591	0
AD	53	16	848	0	0	0	0	0	0	0	16	848	0
AH	53	0	0	0	0	0	0	0	0	0	0	0	0
EU	85	90	7650	0	0	0	0	0	0	0	90	7650	0
GU	93	55	5115	0	0	0	0	0	0	0	55	5115	0
TR	40	1	40	0	0	0	0	0	0	0	1	40	0
PO	37	93	3441	0	0	0	0	0	0	0	93	3441	0
MI	87	108	9396	0	0	0	0	0	0	0	108	9396	0
TOTAL		1534	117433	5664	98642						7198	217075	